

FILED

OCT 03 2019

Clerk, U.S. District Court
District Of Montana
Missoula

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JEREMY DAVID MEDBERY,

Defendant.

CR 18-5-M-DLC

ORDER

Before the Court is Defendant's Motion for Information on Cooperating Witnesses. (Doc. 67.) Defendant Medbery is charged with conspiracy to distribute and possess with intent to distribute methamphetamine, possession with intent to distribute methamphetamine, distribution of methamphetamine, and possession of a firearm in furtherance of a drug trafficking crime. (Doc. 1 at 1-2.) He stands trial on October 15, 2019. (Doc. 65 at 1.)

Medbery requests information regarding the United States' cooperating witnesses and confidential informants, including but not limited to: Christopher George Nomura, Camilla Johnson, Nathan Culver, an anonymous caller, and a confidential source "who initiated a controlled buy." (Doc. 67 at 1-2.) The United States has informed Medbery that its policy requires it to review and

provide the information he requests, but Medbery seeks to make a record of his request nevertheless. (*Id.* at 2.)

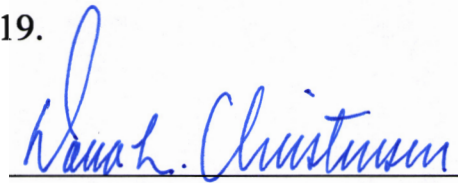
In response to Medbery's motion, the United States represents that "the information he seeks has been produced and made available to him or – as far as the government is aware – does not exist." (Doc. 79 at 3.) According to the United States, it has produced to Medbery over 100 pages of documents, which include his own statements to law enforcement, recorded interviews of an alleged co-conspirator and another individual, photographs, and audio recordings. (*Id.*) The United States also acknowledges that it is aware of its discovery obligations, and has provided Medbery supplemental discovery accordingly, which includes: "history of utilization as an informant, monies paid, criminal histories, and law enforcement recordings regarding cooperating witnesses." (*Id.*)

Medbery does not assert in his motion (Doc. 67) or supporting brief (Doc. 70) that the United States is concealing any of the materials he requests, but only that he intends to make a record. Absent a contrary contention from Medbery, the Court is left to rely on the United States' representations that it has fulfilled and will continue to fulfill its acknowledged discovery obligations.

Accordingly, IT IS ORDERED that Medbery's Motion (Doc. 67) is DENIED AS MOOT as it requests the Court to order the United States to comply with existing and acknowledged discovery obligations, which it represents have

been fulfilled.

DATED this 3rd day of October, 2019.



Dana L. Christensen, Chief Judge
United States District Court